

Applicant: HOHENTHANNER, et al.
Serial No.: 10/562,994
Filed: November 6, 2006
Response to November 28, 2008 Office Action
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REMARKS

Claims 1 - 20 are pending in the subject application. Applicants have herein amended claims 1, 5, 6, 9, 13, 18, 19 and 20. The amendments to claims 9, 13, 18 and 20 are minor in nature and were made to correct typographical errors or to improve the clarity of the claim language.

Claim 1 is amended to incorporate the limitation that was present in originally-filed claim 5. Accordingly, support for the amendment may be found in original claim 5, as well as in the specification at page 5, lines 39-40, and page 6, lines 10-17.

The amendment to claim 5 further specifies in detail the perforation patterns. Support for this amendment may be found on page 6, lines 5-7, of the specification. Claim 6 is corrected by deletion of the final clause regarding the thickness of the membrane. This feature is in original claim 7. Support for this deletion may be found on page 2, lines 7-8, of the specification.

In the November 28, 2008 Office Action, the Examiner rejected claim 19 under 35 USC §112 and §101 as allegedly being indefinite and not being a proper process claim. Applicants disagree with the Examiner's position, but, nevertheless, have amended claim 19 to overcome the rejections.

The Examiner also rejected:

claims 1-4, 6-12, 14, 15, and 18-20 under 35 USC §102(b) as allegedly anticipated by Kohler, et al.;

claims 1, 4, 6-11, 13, 14, and 17-19 under 35 USC §102(b) as allegedly anticipated by Yoshitake;

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claim 5 under 35 USC §103 as allegedly obvious over Kohler, et al. in view of Puffer, et al.; and

claims 16 and 17 under 35 USC §103 as allegedly obvious over Kohler, et al. in view of Asano, et al.

Initially, Applicants wish to point out that the Puffer, et al. reference does not appear to be proper prior art against the present application. The Puffer, et al. reference was filed in the United States on February 25, 2005, as a national stage application of international application PCT/EP03/09200, which has a filing date of August 20, 2003. The present application claims priority to June 27, 2003 -- almost two months earlier than the effective filing date of Puffer, et al. Accordingly, Applicants requests that the Examiner reconsider and withdraw the Puffer, et al. reference as a basis of rejection.

Applicants also note that originally-filed claim 5 stands rejected in the November 28th Office Action only under 35 USC §103 as allegedly obvious over Kohler, et al. in view of Puffer, et al. With the removal of the Puffer, et al. reference, it would appear that originally-filed claim 5 would be free of prior art rejections.

As pointed out above, Applicants have moved the limitation of originally-filed claim 5 into independent claim 1. Thus all of the pending claims are now distinguishable from the cited references on the same basis as originally-filed claim 5 -- that is, *inter alia*, the requirement that the supporting foil be perforated.

Neither the Kohler, et al. reference nor the Yoshitake reference discloses a process for the manufacture of a 3-layer catalyst-coated membrane wherein the membrane is supported with **at least one perforated supporting foil**, as now required by amended claim 1. Yoshitake may disclose forming catalyst layers on an ion exchange membrane using a supporting foil, but it does not disclose the requirement of amended claim 1 that at least one supporting foil is perforated. Likewise, Kohler, et al. fails to teach this limitation.

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In contrast, the present invention, as set forth in amended claim 1, provides a method for producing a membrane with considerable less contractions and/or wrinkles after processing (see the present specification, page 6, lines 10- 11). Additionally, solvents can more easily be removed from membranes resulting from the presently claimed invention -- which leads to less wrinkles, particularly for larger printing formats (see specification, page 6, lines 11-17). The references cited by the Examiner do not disclose or teach methods for manufacturing membranes with the above mentioned advantages.

In view of the claim amendment to claim 1 made herein, Applicants maintain that the presently claimed invention is patentably distinct from the cited references. The remaining pending claims of the subject application depend from, and contain all the limitations of, independent claim 1. Accordingly, these claims are distinguishable from the cited references based on the same reasons presented above for claim 1.

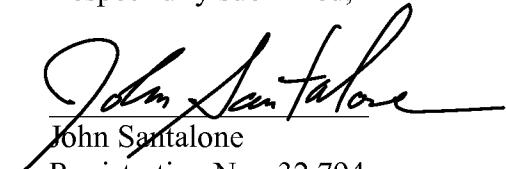
In light of the foregoing remarks and claim amendments, Applicants respectfully requests withdrawal of the rejections set forth in the November 28, 2008 Office Action and allowance of the present application.

No fee is believed due in connection with the filing of the present amendment, other than the fee for the requested three-month extension of time. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

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If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the number provided below.

Respectfully submitted,


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